

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**PUBLIC MEETING AGENDA**

2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
&  
100 North Barranca Street, Suite 410  
West Covina, CA 91791

**December 7, 2005**  
**10:00 a.m.**

**ROLL CALL:**

Candice A. Traeger, Chairwoman  
Marcy V. Saunders, Board Member  
Robert Pacheco, Board Member

**MINUTES OF DECEMBER 6, 2005**

**ADMINISTRATIVE MATTERS**

*(Information regarding the general administration of cases pending before the Appeals Board.)*

1. CALENDARING/CASELOAD

**NEW BUSINESS**

*(The Appeals Board hears and discusses new reports presented by staff.)*

1. Future Board Meeting Dates

**OLD BUSINESS**

*(The Appeals Board hears and/or discusses matters on a follow-up basis.)*

1. 2006 LEGISLATION  
*(Review and discuss legislation introduced that impacts the Appeals Board.)*
2. 2006/07 BUDGET  
*(Review and discuss budget issues for this fiscal year.)*

**CHAIRWOMAN'S REPORT**

*(Hear report from the Chair on issues affecting the Appeals Board.)*

**BOARD MEMBERS' REPORTS**

*(Hear reports from Board Members on issues affecting the Appeals Board.)*

**EXECUTIVE OFFICER'S REPORT**

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*(Report regarding administrative matters and news from the Department and Appeals Board.)*

**STAFF REPORTS**

*(Reports from the Presiding ALJ, the Chief Counsel, and Assistant Chief Counsel regarding matters from the Hearing Operations and Legal Units.)*

Any matter not completed at this meeting may be continued to subsequent meetings.

**PUBLIC COMMENT**

*(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)*

**APPEALS**

*(Report of statistics regarding appeals docketed by the Appeals Board for the current month, previous months, and previous four years)*

Intents to Appeal in November 2005 \_\_\_\_\_  
Total Intents to Date \_\_\_\_\_  
Appeals docketed in November 2005 \_\_\_\_\_  
Total Appeals to date \_\_\_\_\_

	2000	2001	2002	2003	2004	2005
January	247	387	586	482	357	422
February	353	302	420	405	421	435
March	405	421	320	470	513	400
April	330	372	559	526	416	406
May	402	612	589	359	325	187
June	462	421	384	446	486	517
July	320	410	511	367	320	372
August	393	549	426	345	386	345
September	405	350	374	448	269	380
October	401	482	438	435	425	346
November	314	507	368	331	332	
December	523	447	389	621	509	
<b>TOTAL</b>	<b>4555</b>	<b>5255</b>	<b>5367</b>	<b>5235</b>	<b>4762</b>	

Recess to Closed Session to discuss matters pursuant to Government Code § 11126 (a), (c) (3), and (e) and Labor Code sections 6609 and 6620.

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Cal/ OSHA Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
&  
100 North Barranca Street, Suite 410  
West Covina, CA 91791

**For Further Information**

**Contact**

Janet M. Eagan  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
(916) 274-5751

[oshappeals@dir.ca.gov](mailto:oshappeals@dir.ca.gov)

<http://www.dir.ca.gov/oshappeals/>

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
PUBLIC MEETING AGENDA  
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State of California  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
Government Code § 11126 (a), (c)(3), and (e)  
for  
Wednesday, December 7, 2005  
10:00 a.m.  
Sacramento, California  
&  
West Covina, California

**TO:** Members of the California Occupational Safety and Health Appeals Board

**FROM:** Douglas G. Nareau, Chief Counsel

**DATE:** November 18, 2005

**RE:** Closed Session of the Board on December 7, 2005

*Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.*

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. E. L. REALTY MANAGEMENT COMPANY, 03-R4D4-2795

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. ALCAL ROOFING & INSULATION, 05-R1D5-943
2. BEST ROOFING & WATERPROOFING, INC., 05-R4D1-2847

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3. BRAGG CRANE SERVICE, 03-R4D4-2801 THROUGH 2803
4. BRAKE MASTERS, 05-R2D1-432
5. C B MILL, INC., 04-R1D1-3079 THROUGH 3082
6. C. D. WOODWORKS, INC., 03-R2D1-3439
7. C & H SUGAR CO., INC., 02-R2D2-4382 THROUGH 4386
8. CALIFORNIA PLASTERING INC., 04-R3D3-3340
9. CALIFORNIA STEEL STAIR & RAIL, 05-R6D1-055 AND 056
10. COMMODITY LOGISTICS WEST, 04-R3D7-797
11. DURA-BUILT CONSTRUCTION, 05-R2D2-1764 THROUGH 1766
12. E.L. YEAGER CONSTRUCTION CO., INC., 02-R3D3-402 AND 403
13. EXCEL ERECTORS, 03-R1D5-4721
14. FARRELL DESIGN-BUILD COMPANIES, INC., dba GEOPIER FOUNDATION  
COMPANY, 03-R2D1-2919
15. FOSTER FEED YARD, INC., 02-R3D2-3182 THROUGH 3185
16. GILBERTSON DRAGLINE, INC., 03-R2D1-2007 AND 2008
17. GLENWIND ENTERPRISES dba GREWAL BUSINESS CENTER, 04-R3D3-3520  
THROUGH 3522
18. HEALTHCARE SECURITY SERVICES, INC., 04-R1D4-2158 THROUGH 2161
19. KENNCO PLUMBING, INC., 05-R4D3-3359 THROUGH 3361
20. L. A. SMITH & SONS BODY SHOP, INC., 05-R1D4-284 THROUGH 286
21. PAUL PURCELL, 04-R4D1-3527
22. SANTA CLARA VALLEY CORP., 02-R1D4-4981 AND 4982
23. SKYRISE CONSTRUCTION INC., 04-R4D1-3524 THROUGH 3526
24. SOLAR TURBINES, INC., 04-R3D7-3957

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25. SUTTER MUTUAL WATER COMPANY, 04-R2D3-3105
26. T.S. STEEL, 04-R6D2-2506 THROUGH 2509
27. THE UNION ICE COMPANY, 03-R3D7-3227 THROUGH 3230
28. TRIMODAL DISTRIBUTION SERVICES, INC., 04-R3D5-3956
29. TUBE SOLUTIONS, 04-R6D2-3686 THROUGH 3688
30. VAN ELK LTD., 03-R4D4-3012
31. WEBCOR BUILDERS, 03-R1D1-4111
32. WOODMACK PRODUCTS, INC., 05-R2D1-441
33. YANG DE CHEN dba YD CONSTRUCTION CO., INC., 04-R1D1-2623 AND 2624

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

ACE LATH & PLASTERING dba ACE LATHING, INC., 01-R6D1-4798 THROUGH 4806  
BLF FRAMING, 02-R4D3-1837 AND 1838  
BAY AREA SYSTEMS & SOLUTIONS, INC., dba BASS ELECTRIC, 01-R1D3-106  
BEHAVIORIAL HEALTH SERVICES, INC. dba BHS REDGATE MEMORIAL RECOVERY  
CENTER, 01-R3D5-3995 THROUGH 3997  
BLUE DIAMOND MATERIALS, A DIVISION OF SULLY MILLER CONSTRUCTION  
COMPANY, 02-R5D2-1268  
CALIFORNIA FAMILY FITNESS, 03-R2D1-095 AND 096  
COX COMMUNICATION dba COX COMMUNICATIONS, 03-R3D2-1942  
DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114  
E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261  
ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 AND 3131  
FCI CONSTRUCTORS, 01-R4D4-2161 AND 2162  
HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914  
HEARN CONSTRUCTION, INC., 02-R6D1-3533 THROUGH 3536  
HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 AND 1619  
ILH CONSTRUCTION, 02-R1D1-4171 AND 4172  
J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801  
JA CON CONSTRUCTION, INC. dba JA CON CONSTRUCTION, 03-R3D2-441  
JAMES HIGBY ENGINEERING, 02-R3D2-2944 THROUGH 2948

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JAMES HIGBY ENGINEERING, 02-R4D3-4562 THROUGH 4567  
JERLANE, INC., dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344  
K. A. BINE CONSTRUCTION, 03-R1D5-2031  
KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323  
KEYSOR-CENTURY CORPORATION, 02-R3D7-745 THROUGH 771  
KIMES-MORRIS CONSTRUCTION INC., 02-R1D4-1204 THROUGH 1209 AND 02-R1D4-1273  
KNOTT'S BERRY FARM, 01-R3D1-4331 AND 4332  
LONG BEACH CITY COLLEGE, 03-R3D5-2747  
LOWPENSKY MOULDING, 03-R1D1-3405  
MCI WORLDCOM INC., MCI WORLDCOM NETWORK SERVICES, INC., 00-R1D1-440 THROUGH 442  
MEDALLION INDUSTRIES, INC., 02-R6D1-2825 THROUGH 2830  
MORILLO CONSTRUCTION, 03-R4D2-1218 THROUGH 1222  
NEW ENGLAND SHEET METAL WORKS, 02-R2D5-2091  
NIBBLELINKS MASONRY CONSTRUCTION CORP., 02-R3D3-1399 THROUGH 1401  
NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 THROUGH 202  
PMR RACE CARS, 03-R3D3-1824 AND 1825  
POUK & STEINLE, INC., 03-R4D2-1495 AND 1496  
RII PLASTERING INC. dba QUALITY PLASTERING CO., 02-R3D1-2679  
RAMONA EQUIPMENT RENTAL, INC., dba ONE STOP EQUIPMENT RENTAL, 02-R3D2-2944 THROUGH 2948  
SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 THROUGH 1656  
SHEFFIELD FURNITURE CORPORATION, 00-R6D2-1322 AND 3131 AND 00-R6D2-1323 THROUGH 1326 AND 01-R6D2-1397  
SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305  
STILES PAINT MANUFACTURING, 02-R1D4-1630  
STOCKTON TRI INDUSTRIES, INC., 02-R5D1-4946  
STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986  
SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 AND 2614  
TRIO METAL, 03-R4D4-0316 AND 0317  
UNITED AIRLINES dba UNITED AIRLINES SFO, 00-R1D5-2844  
WAREHOUSE DEMO SERVICES, 03-R1D4-3427  
WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 AND 3018  
BILL CALLAWAY & GREG LAY dba WILLIAMS REDI MIX, 03-R2D1-2400

### **PENDING LITIGATION**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

### **SUPERIOR COURT:**

1. ARB, INC., 01-R3D1-2119

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2. LUIS AVILA dba E & L AVILA LABOR CONTRACTORS, 00-R3D2-4067
3. BLF FRAMING, 02-R4D3-1837 AND 1838
4. BENICIA FOUNDRY & IRON WORKS, 00-R2D2-2976 THROUGH 2987
5. CASTLE PRECISION INDUSTRIES, 01-R4D3-652 THROUGH 656
6. C. OVERAA AND COMPANY, 01-R1D4-3560
7. DSS ENGINEERING CO., 99-R2D2-1023
8. DESILVA GATES CONSTRUCTION, 01-R2D2-2741
9. HFS INVESTMENTS, INC., dba HADLEY AUTO TRANSPORT, 96-R1D3-3079
10. HALLMARK CONSTRUCTION, INC., 01-R1D3-049
11. HARBOR SAND & GRAVEL, 01-R1D3-1016
12. THE HERRICK CORPORATION, 97-R1D1-1373
13. THE HERRICK CORP., 97-R1D3-2604
14. MATAROZZI-PELSINGER BUILDERS, 01-R1D1-1400
15. PACIFIC RESOURCES RECOVERY, 00-R4D2-1108 AND 1109
16. RUDOLPH AND SLETTEN, INC., 01-R1D5-478
17. STOCKTON STEEL CORPORATION, 00-R2D2-2157
18. SUNRISE WINDOW CLEANERS, INC., 00-R4D1-3220 AND 3221
19. TEICHERT AGGREGATES, 00-R5D1-1193
20. TUTOR-SALIBA-PERINI, 97-R6D2-3209 THROUGH 3212
21. UNDERGROUND CONSTRUCTION CO., 00-R1D4-2356
22. VANCE BROWN, INC., 00-R1D2-3318 AND 3319

**APPELLATE COURT:**



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1. BRAGGE CRANE, 01-R3D1-2428
2. BEUTLER HEATING & AIR CONDITIONING, 00-R1D5-014
3. MOUNTAIN CASCADE, INC., 01-R1D4-3561
4. RIALTO CONCRETE PRODUCTS, INC., 98-R3D3-413
5. SULLY-MILLER CONTRACTING CO., 99-R3D3-896
6. TEICHERT CONSTRUCTION, 98-R2D1-2512

**OTHER LEGAL MATTERS**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

1. ARB, INC., 02-R5D3-1574  
Motion for Sanctions and Request for Hearing
2. POUK & STEINLE, 03-R4D2-1495 AND 1496  
Motion to Hearing and Motion for Reimbursement of Attorneys Fees
3. COX COMMUNICATIONS, 03-R3D2-1942  
Request for Judicial Notice
4. D & L SHEET METAL, INC., 03-R3D1-433 THROUGH 435  
Division's Petition for Judicial Enforcement – Board Rule 372.5
5. Internal Procedures for Board Orders and Stipulations

**PERSONNEL** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.